

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for Adjustment to Stormdrain Impact Fees

SUMMARY: Consider whether the applicant has demonstrated unusual circumstances regarding the assessment of impact fees, and if so, what the fair adjustment should be.

FISCAL

IMPACT: The assessed stormdrain impact fee for the 0.67 acre Well Industrial Lot No. 2 Lot 12 is \$8,094.27

STAFF RECOMMENDATION:

Staff recommends that City Council decide on whether the applicant has demonstrated unusual circumstances exist that warrant a reduction of stormdrain impact fees .

MOTIONS RECOMMENDED:

Motion 1: [Prior to discussion] I move that the City Council suspend the Council Rules to allow the petitioner to speak on this business item.

Motion 2: [After discussion] I move that the City Council find that there [are/are not] unusual circumstances that affect the petitioner.

- a. [If "are"] The unusual circumstances are _____. [Motion 3 is needed]
- b. [If "are not"] Therefore, no additional findings are needed, and the impact fees are not adjusted. [Motion 3 is not needed]

Motion 3: [After adoption of 2.a.] I move that the City Council find that the impact fees [are/are not] being imposed fairly when adjusted.

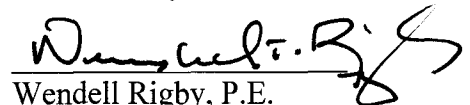
- a. [If "are"] Based on studies and data as determined by City staff, staff is directed to recommend an adjustment amount to the City Council at a future City Council meeting.
- b. [If "are not"] Therefore, the impact fees are not adjusted.

Prepared by:



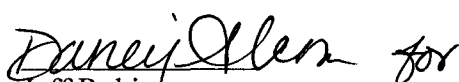
Nate Nelson, P.E.

Reviewed by:




Wendell Rigby, P.E.

Reviewed as to legal form:



Jeff Robinson
City Attorney

Recommended by:



Richard L. Davis
City Manager

BACKGROUND DISCUSSION:

The City has received a request for an adjustment to stormdrain impact fees from Robert Haight P.E of Perigee Consulting representing the applicant; Mr. Mike Stevens who had previously submitted plans to develop a new office warehouse on a site defined as Well Industrial Park No. 2 Lot 12 located at 5766 Wells Park Road. Previously, the applicant had received from the City a preliminary stormdrain impact fee assessment of \$8,094.27.

Pursuant to City Code section 3-7-14, entitled “Adjustments, Credits and Exemptions,” Mr. Haight has requested an adjustment to the standard impact fee. After a request from City staff that the applicant submit information responsive to City Code Section 3-7-14, Mr. Haight sent the attached letter dated January 22, 2014 to Mr. Nate Nelson, West Jordan City Engineer. It appears that the applicant is requesting to pay \$0.00, adjusted down from \$8,094.27.

Following is the discussion of the City Code and the January 22 letter.

Findings Required by City Code Section 3-7-14, Subsection A

According to section 3-7-14, subsection A, “A person may petition the city council for an adjustment to the standard impact fee. The city council may adjust the fee if it finds that there are unusual circumstances which affect the petitioner and that the impact fees are being imposed fairly when adjusted.”

Discussion of Whether There are Unusual Circumstances which Affect Petitioner

In order to adjust the standard impact fee, the City Council must find that there are unusual circumstances that affect the petitioner.

In Mr. Haight’s letter, he opines that Lot 12 of Well Industrial Park No. 2 is affected by unusual circumstances because “the lot is not allowed to connect to the existing drainage swale or storm drain pipe currently located in the subdivision.”

Staff does not agree with this statement. In fact, staff has given the applicant three different options for addressing storm drainage for the site:

- 1) The lot could connect to a storm drain pipe, but it is not seen as an economical solution for the applicant because of the pipe’s distance from the lot.
- 2) There is a drainage swale that runs along the frontage of Lot 12. City staff could not verify the capacity of the swale and required the applicant to submit data on the ability of the swale to accept an additional volume of water. Years ago, when the Well Industrial Park No. 2 was designed and constructed, the swale was intended to carry stormwater runoff through the subdivision. In newer subdivisions, stormwater is transported in underground pipes. Lot 2 does not have adjacent or nearby underground pipes that would be found in newer subdivisions, and as stated in Mr. Haight’s letter there is no nearby master planned underground piping system to serve this Lot 12 in the future.
- 3) The third option was to design a stormwater retention system that holds all stormwater on-site allowing the water to percolate into the ground. After weighing the options, the applicant chose option three.

Discussion of Whether Impact Fees are Being Imposed Fairly when Adjusted

In order to adjust the standard impact fee, the City Council must find that the impact fees are being imposed fairly when adjusted.

Mr. Haight's letter speaks for itself regarding the petitioner's opinion of fairness.

City staff agrees that stormwater runoff, if retained on the applicant's property, will not enter directly into the City's stormwater system. However, the property still receives the benefit of the citywide stormwater system that carries stormwater generated from other properties. City staff also recognizes that retained water may eventually enter the City system through groundwater flow. Further, Lot 12's runoff may already have been designed into the City's Stormwater Master Plan having been anticipated to reach the system through the swale. Because the applicant has not used the City's impact fee study in its assumptions, or referred to the citywide system, and the applicant has not presented an adjustment based on those things, staff is concerned that the adjustment of the impact fee to \$0.00 from \$8,094.27 will allow the applicant to benefit from the citywide system that directs runoff from other property in the City away from the applicant's property without paying a fair contribution.

Staff agrees that if there are unusual circumstances a fair adjustment may be justified but the applicant has not provided a calculation for such an adjustment that is based on studies and data relevant to the calculation of impact fees. But rather, the applicant has based the reduction of fees on the difference in cost of a stormwater retention system and a stormwater detention system.

Requirement of City Code Section 3-7-14, Subsection B

According to section 3-7-14, subsection B, "The city council may adjust the amount of the impact fee to be imposed on a particular development based upon studies and data submitted by the developer."

Discussion of Whether the Studies and Data Submitted by the Developer Support Adjustment

The developer has submitted data in the January 22 letter, with calculations specifically related to Lot 12, the anticipated stormwater generated on Lot 12, and the costs associated with retaining that water. On-site detention is required of all subdivisions and would have been required if Lot 12 were using the swale discussed above, so the developer has submitted calculations comparing the cost of retention with the cost of detention. The developer appears to have studied its own property, Lot 12, and also reviewed the City's stormwater master plan.

City staff believes that the "studies" referenced in section 3-7-24 B should include the City's impact fee study. As stated above, City staff is concerned that there is no reference to the City's impact fee study to compare, for instance, the amount of runoff assumed versus the actual runoff. As a hypothetical, the City's stormwater system may benefit all property in the Well Industrial Park No. 2 by directing flow away from the Well Industrial Park No. 2, thus allowing the lots to be developed without contending with flows from upstream. In such a circumstance, the lots within the subdivision would be impacting the system by making necessary the control of upstream water, and yet Lot 12 would not be contributing to the cost of providing that control.

City staff could perform additional research of the City's impact fee study by staff or through the City's consultant, but this has not been pursued prior to receiving City Council direction. Additional research will likely require additional staff and financial resources.

However, if it is determined by City Council that the studies and data submitted meet the requirements of City Code section 3-7-14, it is possible that the City Council could base an adjustment on the studies and data submitted, even though the studies and data are specific to Lot 12 and do not take into consideration the citywide stormwater system.

Conclusion

In order to present the applicant's petition without delay, the City staff is forwarding this discussion for City Council consideration and determination.



January 22, 2014

RECEIVED BY

JAN 24 2014

O.D.A.

Nate Nelson, PE
West Jordan City Engineer
West Jordan City
8000 S. Redwood Road
West Jordan, Utah 84088

**RE: WELL INDUSTRIAL PARK NO. 2 LOT 12 REQUEST FOR ADJUSTMENT TO
STORM DRAIN IMPACT FEES**

Dear Mr. Nelson,

West Jordan City allows an adjustment to the a standard impact fee if a person can show an unusual circumstance and provides studies and data to support the adjustment (see West Jordan Municipal Code 3-7-14). Well Industrial Park No. 2 Lot 12 should be allowed and adjustment to the storm drain impact fee for the following two unusual circumstances.

First, per West Jordan City requirements the lot is not allowed to connect to the existing drainage swale or storm drain pipe currently located in the subdivision. West Jordan City has a storm drain system in the area (see Figure 1) and an existing drainage swale that connects to the storm drain. West Jordan City will not allow a connection to the existing system.

Second, the future storm drain planned for the area does not extent to the subdivision and is not designed to convey storm water runoff from the area. The future Storm Drain Master Plan system only extends to 5600 West and not up to the subdivision. No storm drain pipe in the master plan can service Lot 12 therefore, Lot 12 will not be able to discharge into West Jordan's storm drain system.

It is an unusual circumstance for a lot not to be allowed to discharge into an existing City system nor to provide a future storm drain system to serve the lot. Because this is an unusual circumstance, Perigee performed calculations to determine how much the storm drain impact fee should be adjusted.

The amount of the impact fee adjustment was determined based on the cost difference between construction of a storm drain detention system with an allowable discharge into a City storm drain system and a storm drain system that must retain all storm water on site. This cost difference represents the additional financial burden that Lot 12 has because no storm drain system is available for a connection.



The West Jordan City Storm Drain Master Plan allows for a lot to discharge 0.2 cfs/acre in to the storm drain system. Using this allowable discharge, Lot 12 would need to provide a 2,430 cf detention storage (see Exhibit 1). With no discharge allowed into a storm drain system, the retention storage will need to hold 5,600 cf (see Construction Plans Sheet No. 4, not included with letter).

The cost difference between the installation of a 2,430 cf and 5,600 cf storages was calculated from data provided by Contech (storage manufacture) and CSM Construction (installation contractor). The data is shown in Exhibits 2-4. The cost difference between the storages was calculated to be \$10,048 (see Table 1).

Based on the unusual circumstances and the data and calculations provided, we request the that the storm drain impact fee be reduced by \$10,048 or to zero if the impact fee is less than the cost difference between the two storage systems.

If you have any questions please contact Robert Haight at 801-618-8791 or email at robert@perigeecivil.com.

Best regards,

A handwritten signature in black ink, appearing to read 'Robert Haight', written in a cursive style.

Robert Haight, P.E., Esq.

FIG 1 - EXISTING AND PROPOSED STORM DRAIN SYSTEMS

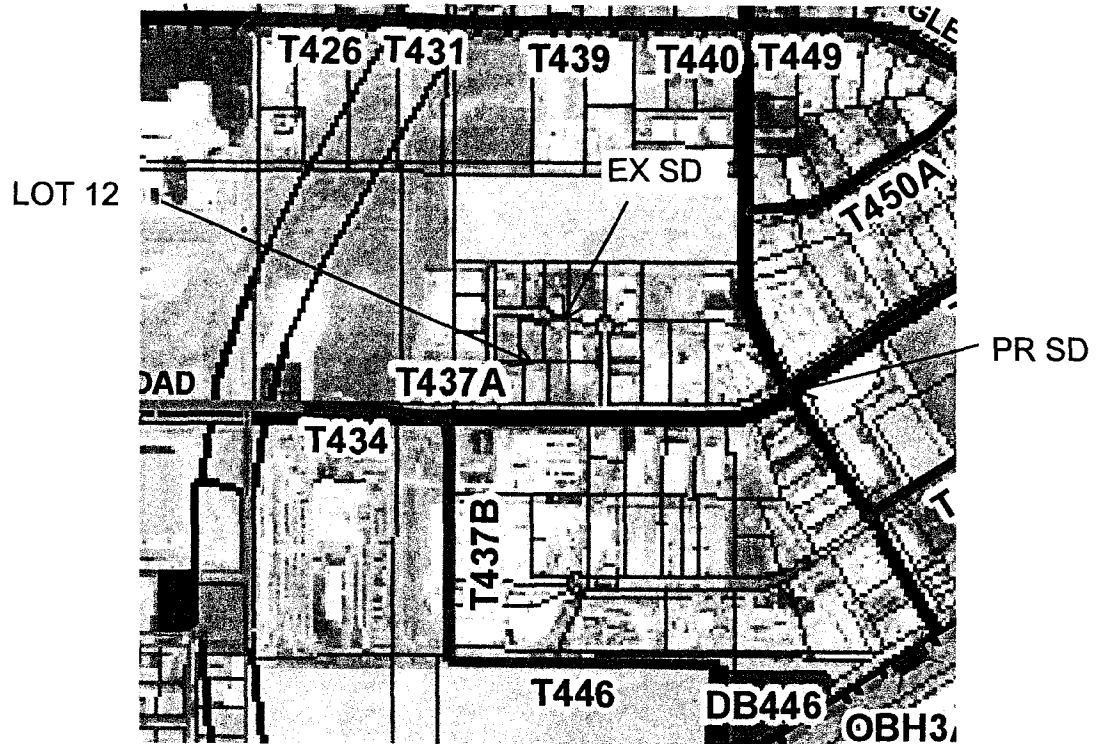


EXHIBIT 1 - STORAGE VOLUME CALCULATIONS WITH 0.2 CFS DISCHARGE PER ACRE

A (ft ²)	29185.2
C	0.78
q _a (cfs)	0.134
T _c (min)	20

t _d (min)	i (in/hr)	t _d (sec)	i (ft/sec)	q _d (min)	S _d (ft ³)
15	3.6	900	8.3333E-05	1.897038	1566.634
30	2.5	1800	5.787E-05	1.317388	2170.298
60	1.45	3600	3.3565E-05	0.764085	2429.105
360	0.333	21600	7.7083E-06	0.175476	2262.682
720	0.225	43200	5.2083E-06	0.118565	2147.203
1440	0.125	86400	2.8935E-06	0.065869	0

max storage required

MODIFIED RATIONAL METHOD

A= Area

T_c (min)= Time of Concentration

i= rainfall intensity

q_d(min) C*i*A

t_d(min)= Duration

q_a(cfs)= Discharge Rate

$$S_d = q_d * t_d - q_a / 2 * (t_d + t_c)$$

EXHIBIT 2 - 2,430 CF STORAGE INSTALATION COST

CSM Construction

Storm Drain Improvements

Page 2

Hardy Mfg.

1/21/2014 11:34 AM

Item	Description	Takeoff Qty	Total
			Amount
<hr/>			
2000.000	SITEWORK		
<hr/>			
2315.021	Earthwk: Excav & Matl		
50	1" Crushed Rock	35.00 ton	283
70	Place & Compact Material	1,000.00 sqft	600
100	Clear & Grub	1,000.00 SF	150
	Earthwk: Excav & Matl		<hr/> 1,013
2315.050	Utility Excavation		
27.5	Storm Sewer 12"+	65.00 Inft	<hr/> 3,575
	Utility Excavation		<hr/> 3,575
<hr/>			
	SITEWORK		4,588

EXHIBIT 3 - 5,600 CF STORAGE INSTALATION COST

CSM Construction

Dtorm Drain Improvements

Page 2

Hardy Mfg

1/21/2014 7:19 AM

Item	Description	Takeoff Qty		Total Amount
2000.000	SITEWORK			
2315.021	Earthwk: Excav & Matl			
50	1" Crushed Rock	75.00	ton	563
70	Place & Compact Material	2,000.00	sqft	1,200
100	Clear & Grub	2,000.00	SF	300
	Earthwk: Excav & Matl			2,063
2315.050	Utility Excavation			
27.5	Storm Sewer 12"+	127.00	Infl	6,985
	Utility Excavation			6,985
	SITEWORK			9,048

EXHIBIT 4 - STORAGE MATERIALS COST

44' long pipe for 5,600 cf and 22' long for 2,430 cf

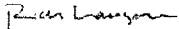
Looks like one riser for a manhole access and one for connection to an inlet box, which would be a \$200.00 connection stub.

Here is the pricing with one access manhole:

44' - 12' CMP - Galv - 12 Gage @ \$254.00/FT	=	\$11,176.00
2 EA - 12' Bulkheads @ \$1000.00	=	\$2,000.00
2 EA - Stubs for Inlet/Outlet Connections @ \$200.00	=	\$400.00
1 EA - Manhole Riser @ \$900.00	=	\$900.00
		<u>\$14,476.00</u>

I think this covers it.

Let me know if not.



Rich Larson
State Manager

Contech Engineered Solutions LLC
4675 Hidden Lake Drive | Bountiful, UT 84010
Mob: 801-918-9963 | Off: 801-334-2497 | Fax: 801-334-2499

rlarson@conteches.com

From: Jed Atherley [mailto:Jed@periquecivil.com]

TABLE 1 - STORAGE COST DIFFERENCE

	Storm Drain Detention	Storm Drain Retention
Construction Costs	\$ 4,588	\$ 9,048
Material Costs	\$ 8,888	\$ 14,476
Total	\$ 13,476	\$ 23,524
Total Cost Difference	\$10,048	